

GINA TASSONE,

Plaintiff,

vs.

UNITED OF OMAHA LIFE INSURANCE
COMPANY; and MIRAMED GLOBAL
SERVICES, INC. LONG-TERM DISABILITY
PLAN,

Defendants.

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) Case No. 1:15-cv-08557
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) Judge Robert W. Gettleman
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) Magistrate Judge Susan E. Cox
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**PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT PURSUANT TO FEDERAL
RULE OF CIVIL PROCEDURE 52**

The Court should grant Plaintiff's Motion for Entry of Judgment and award her past due disability benefits, prejudgment interest payable thereon, and a declaratory judgment clarifying her right to future benefits, so long as she meets the policy's terms and conditions. 29 U.S.C. § 1132(a)(1)(B). Plaintiff seeks reinstatement in the plan and benefits due to her since September 1, 2014 in the amount of \$3650.01 per month, equal to 60% of her pre-disability earnings (Administrative Record at AR 3717 (hereinafter "AR-xxxx")), less any offset for benefits awarded by the Social Security Administration consistent with the policy's terms regarding deductible other income. (AR 0024). In addition, Plaintiff seeks prejudgment interest

on any past due benefits. Though Plaintiff sought attorney's fees and costs under 29 U.S.C. § 1132(g) in the Complaint, Plaintiff reserves addressing that claim until after a decision on the merits.

WHEREFORE, Plaintiff prays that judgment be entered on her behalf.

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CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that on January 11, 2017 a copy of the foregoing was served by operation of the Court's electronic filing systems upon the following counsel of record:

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